

### **REMARKS**

Claims 8-13, 17-22 are pending in this Application, with Claim 17 being amended. No new matter is added by way of these amendments, and the amendments are supported throughout the Specification and the drawings. Reconsideration of Claims 8-13, 17-22 is respectfully requested. The Examiner's rejections will be considered in the order of their occurrence in the Official Action.

#### **Paragraphs 1 and 2 of the Official Action**

The Applicant is advised of the withdrawn allowability and the indication of the allowability of Claims 10 and 19.

#### **Paragraphs 3-6 of the Official Action (35 U.S.C. 112)**

The Applicant has corrected the antecedent basis problem in Claim 19 in accordance with the Examiner's helpful suggestions. The Applicant has amended Claim 17 to include a spray unit fluidly connected to the pump which the Applicant respectfully submits overcomes the issue of omitted structural cooperative relationships (the Applicant respectfully submits that the original language of Claim 19 was proper in that it was apparent that a "spray chamber" is known to be fluidly connected to a "pump").

#### **Paragraphs 7-9 of the Official Action (35 U.S.C. 102(b))**

The Office Action rejected as-filed Claims 8, 9, 11-13, 17, 18, 20-22 under 35 U.S.C. §102(b) as being anticipated by McClocklin (U.S. Patent No. 4,073,315). The Applicant respectfully disagrees with this rejection for at least the following reasons.

It is important to first briefly discuss 35 U.S.C. §102 and its application to the present application. Under 35 U.S.C. §102(b), anticipation requires that the prior art reference both (1) disclose, either expressly or under the principles of inherency, every limitation of the claim, and (2) be enabling thus placing the allegedly disclosed matter in the possession of the public.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”<sup>1</sup> “The identical invention must be shown in as complete detail as is contained in the ... claim.”<sup>2</sup> Hence, under 35 U.S.C. §102, anticipation requires that **each and every element** of the claimed invention be disclosed in the prior art.<sup>3</sup> Anticipation also requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.<sup>4</sup> In addition, the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public.<sup>5</sup>

McClocklin merely discloses a "valve assembly" for slowly releasing the high internal hydraulic pressure when a pump is deactivated. In particular, McClocklin teaches keeping a first valve 32 and a second valve 50 closed as long as the pump is providing hydraulic fluid to the inlet port 20. Only when the pump is deactivated, then McClocklin teaches allowing for only a small flow of hydraulic fluid through the first valve 32 thereby allowing a small flow out through the return port 21. After the internal pressure has been reduced to a level that the spring 52 combined with the pressure is overcome by the force of the actuator 70, then the second larger valve 50 is allowed to open thereby releasing a greater flow of hydraulic fluid from the cylinder out through the return port.

McClocklin specifically does not disclose, teach or suggest at least the following features in the Applicant's claims (including the indicated allowable claim features):

- **A method of operating a plurality of valves in a spray chamber;**
- ***determining fluid presence*** at one or more of said valves;
- opening one or more of said valves ***that have fluid present***;
- determining if a state change is required of any of said valves and **executing said state changes if at least two valves are open**;

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<sup>1</sup> *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

<sup>2</sup> *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

<sup>3</sup> *W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

<sup>4</sup> *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

<sup>5</sup> *Akzo N.V. v. United States Int'l Trade Comm'n*, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987) (emphasis added).

- **executing a one valve open recovery routine** when if a state change is required to open a second valve and only a first valve is currently open;
- **performing a routine valve scheduler routine** upon said valves for maintaining said valves in their respective desired state;
- **providing a spray chamber** having a plurality of valves, **a spray unit**, a pump **fluidly connected to said spray unit** providing a pressurized fluid and **a heat producing device**;
- *spraying said heat producing device with said pressurized fluid dispensed from said spray unit*;

The Applicant respectfully submits that McClocklin does not qualify as appropriate prior art under 35 U.S.C. §102(b) as McClocklin does not disclose (expressly or inherently) all of the features of the independent claims. Therefore, Applicant respectfully submits that the claims are patentable over the cited reference for at least these reasons. Accordingly, Applicant respectfully requests that the Examiner withdraw the outstanding rejection as applied to 8, 9, 11-13, 17, 18, 20-22, since the application is in condition for allowance.

### **CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited. Should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, they are invited to telephone the undersigned.

In addition, it is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Respectfully submitted,

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I hereby certify that this correspondence is being filed electronically with the USPTO via ECF on April 22, 2009.

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